

031804

23026 U.S. PTO

**PLANT  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

1464-003

First Inventor

Dale E. HERMAN

Title

Pekin Lilac Tree Named 'SunDak'

Express Mail Label No.

EV207752291US

22856 U.S. PTO  
10/804526

031804

**ASSIGNEE:** North Dakota State University  
Fargo, North Dakota**ADDRESS TO:** Assistant Commissioner of Patents  
Box Patent Application  
Washington, D.C. 20231**APPLICATION ELEMENTS****ACCOMPANYING APPLICATION PARTS**

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
3. ☒ Specification Total pages [ 7 ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention (with Plants name)
  - Cross references to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Latin name of genus and species
  - Variety denomination
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings
  - Detailed Botanical Description
  - Claim (only one (1) permitted MPEP 1605)
  - Abstract of the Disclosure
4. ☒ Color Drawing(s) (Total Sheets) [ 9 ]  
(2 copies required - 37 CFR 1.165(b))
5. ☒ Oath or Declaration (Total Pages) [ 2 ]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application  
(37 CFR 1.63(d))  
(for continuation/divisional with Box 16 completed)☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet.

7. ☒ Assignment Papers (cover sheet & document(s))
8. ☐ 37 CFR 3.73(b) Statement  
(when there is an assignee)
- ☐ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement /PTO 1449
- ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☐ Certified Copy of Priority Document(s).  
(if foreign priority is claimed)
14. ☐ Request and Certification under  
35 USC 122(b)(2)(B)(i)
15. ☒ Other: Certificate of Express Mailing by Label  
EV207753133US

Note: Please state the Latin name and variety  
denomination of the plant claimed in a separate section of  
the specification.

**16. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:**☐ Continuation ☐ Divisional of prior application No.:

Prior application information: Examiner

Group Art Unit

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied  
under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by  
reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label 32905

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Suite 200, 9085 East Mineral Circle

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Centennial

State

CO

Zip Code

80112

Country

U.S.A.

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303-799-6444

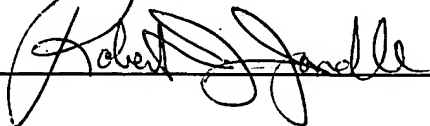
Fax

303-799-6898

Name

Robert J. Jondle, Reg. No. 33,915

Signature



Date March 18, 2004

23026 U.S. PTO  
031804

**FEE TRANSMITTAL  
for FY 2003  
(Small Entity)**

Complete if Known

|                      |                |
|----------------------|----------------|
| Application Number   | 10/            |
| Filing Date          |                |
| First Named Inventor | Dale E. HERMAN |
| Examiner Name        |                |
| Group Art Unit       |                |

|                         |            |                        |          |
|-------------------------|------------|------------------------|----------|
| Total Amount of Payment | (\$305.00) | Attorney Docket Number | 1464-003 |
|-------------------------|------------|------------------------|----------|

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 50-2368 in the name of Jondle & Associates P.C.

☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.

2. ☒ Payment Enclosed:

☒ Check

☐ Credit Card

**FEE CALCULATION**

**1. FILING FEE**

| Fee Code | Fee \$ | Fee Description        | Fee Paid |
|----------|--------|------------------------|----------|
| 2001     | 385    | Utility filing fee     | [ ]      |
| 2002     | 170    | Design Filing Fee      | [ ]      |
| 2003     | 265    | Plant Filing Fee       | [265.00] |
| 2004     | 385    | Reissue Filing Fee     | [ ]      |
| 2005     | 80     | Provisional Filing Fee | [ ]      |

**SUBTOTAL \$265.00**

**2. CLAIMS**

| Total Claims Independent  | Claims         | Extra Claims | Fee \$     | Fee Paid |
|---------------------------|----------------|--------------|------------|----------|
| [ ]                       | - 20** = [ ] x |              | \$ 9 = [ ] | [ ]      |
| [ ]                       | - 3** = [ ] x  |              | 43 = [ ]   | [ ]      |
| Multiple Dependent Claims | +              |              | 145 = [ ]  | [ ]      |

\*\*or number previously paid, if greater;

**SUBTOTAL \$**


**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

| Fee Code | Fee Paid | Fee Description  | Fee Paid |
|----------|----------|--|----------|
| 2051     | 65       | Surcharge - late filing fee or oath  | [ ]      |
| 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     | [ ]      |
| 1053     | 130      | Non-English specification  | [ ]      |
| 1812     | 2,520    | For filing a request for reexamination                                     | [ ]      |
| 1804     | 920      | Requesting publication of SIR prior to Examiner action                     | [ ]      |
| 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        | [ ]      |
| 2251     | 55       | Extension for reply within first month                                     | [ ]      |
| 2252     | 210      | Extension for reply within second month                                    | [ ]      |
| 2253     | 475      | Extension for reply within third month                                     | [ ]      |
| 2254     | 740      | Extension for reply within fourth month                                    | [ ]      |
| 2255     | 1,005    | Extension for reply within fifth month                                     | [ ]      |
| 2401     | 165      | Notice of Appeal   | [ ]      |
| 2402     | 165      | Filing a brief in support of an appeal                                     | [ ]      |
| 2403     | 145      | Request for Oral Hearing   | [ ]      |
| 1451     | 1,510    | Petition to institute a public use proceeding                              | [ ]      |
| 2452     | 55       | Petition to revive -unavoidable  | [ ]      |
| 2453     | 665      | Petition to revive - unintentional   | [ ]      |
| 2501     | 665      | Utility issue fee (or reissue)   | [ ]      |
| 2502     | 240      | Design issue fee   | [ ]      |
| 2503     | 320      | Plant issue fee  | [ ]      |
| 1460     | 130      | Petitions to the Commissioner  | [ ]      |
| 1807     | 50       | Processing fee under 37 CFR 1.17(q)  | [ ]      |
| 1806     | 180      | Submission of Information Disclosure Statement                             | [ ]      |
| 8021     | 40       | Recording each patent assignment per property (times number of properties) | [40.00]  |
| 2809     | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                | [ ]      |
| 2810     | 385      | For each additional invention to be examined (37 CFR 1.129(b))             | [ ]      |
| 2801     | 385      | Request for Continued Examination (RCE)                                    | [ ]      |
| 1802     | 900      | Request for expedited examination of a design application                  | [ ]      |
| 1504     | 300      | Publication fee for early, voluntary, or normal publication                | [ ]      |
| 1505     | 300      | Publication fee for republication  | [ ]      |
| 1455     | 200      | Filing an application for patent term adjustment                           | [ ]      |
| 1456     | 400      | Request for reinstatement of term reduced                                  | [ ]      |
|          |          | Other fee (specify) Statutory Disclaimer                                   | [ ]      |

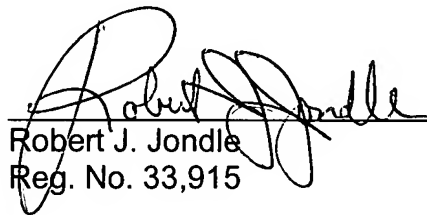
\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$40**

|   |                                   |                          |  |
|---|-----------------------------------|--------------------------|--|
| SUBMITTED BY  |                                   | Complete (if applicable) |  |
| NAME AND REG. NUMBER  | Robert J. Jondle, Reg. No. 33,915 |                          |  |
| SIGNATURE   | DATE                              | DEPOSIT ACCOUNT USER ID  |  |
|  | March 18, 2004                    |                          |  |

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail EV207752291US in an envelope addressed to: Mail Stop Patent Application, Commissioner of Patents, P. O. Box 1450, Alexandria VA 22313-1450 on March 18, 2004.



Robert J. Jondle  
Reg. No. 33,915

March 18, 2004

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